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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,100	11/07/2001	Kenji Kaido	100809-00054(SCEY 19.115)	3012

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EXAMINER	
MARKS, CHRISTINA M	

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/036,100	KAIDO ET AL.	
	Examiner	Art Unit	
	C. Marks	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 November 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 November 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *6* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

Further, Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, *all claimed limitations* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claims 1, 9, 17, 25, and those dependent therefrom recite the limitation "partially changing a passing rate of time in a virtual space." One of ordinary skill in the art would not be able to ascertain the definition of that which is meant by "passing rate of time" as it is unclear to what the applicant is intending by the phrase. Further, there is no positive linkage to what part or how that part of time is changed with respect to an event. One of ordinary skill in the art would not readily understand how the event is linked to the partially changing the rate of time. Thus, the claim language is indefinite in that one of ordinary skill in the art would not be able to ascertain clearly that which is meant by passing rate of time nor understand how the event is linked to a change in such.

Claims 3, 11, 19, and those dependent therefrom are indefinite in that it is unclear how the coefficient is applied to the variable to change the rate of the object. The coefficient and variable are not properly defined to explain to one of ordinary skill in the art how to perform the dictated calculation or adjust the variables with respect to the character.

Claims 5, 13 and 21 are indefinite in that it is unclear how the viewpoint movement is linked to the event as it is not properly defined to explain to one of ordinary skill in the art how the viewpoint movement is determined based upon the event, thus it would be unclear to one of ordinary skill how each relate to the other. Further, it is not clear how the viewpoint moving speed is to be made and what such a feature exactly means.

Claims 6, 22, 14, and those dependent therefrom are indefinite in that an acceptance frequency depending on a predetermined instruction input is not properly defined. One of ordinary skill in the art would not understand what is meant by acceptance frequency or the instruction input and how it relates to the event.

Claims 7, 15, and 23 are indefinite in that a control target is not properly defined. One of ordinary skill in the art would not understand what is meant by control target and how it relates to the event.

For examination purposes, the claims will be evaluated as would be best understood by one ordinary skill in the art.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 25 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The information-processing program to be executed by a computer is not tangibly stored; therefore, its operation is not statutory as is it not tangibly embodied within the computer structure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 9-10, 17-18 and 25, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Itou (US Patent No. 6,439,998).

Itou discloses an information processing method that determines a plurality of pieces of rate information events that satisfy specific conditions in the execution of the program and changes a passing rate or time in a virtual space based upon the event (Abstract). The change of time applies to a predetermined object in the virtual space (Abstract). This method is inherently executed by a program execution device (FIG 1) and is also stored on a computer readable recording medium to be executed by the computer (FIG 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-7, 11-15 and 19-23, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Itou (US Patent No. 6,439,998).

What Itou discloses has been discussed above and is incorporated herein.

Regarding claims 3-4, 11-12 and 19-20, Itou discloses a coefficient that represents battle speed and it is applied to the predetermined object in virtual space to change the progressing rate of time during a battle (FIG 3). This coefficient is axiomatically applied to every time unit and is adjusted for each of a plurality of objects (FIG 3, 4 and 7).

Regarding claims 5-7, 13-15 and 21-23, Itou further discloses that the event is controlled depending on a predetermined instruction (Column 1, lines 5-60). Itou discloses that the adjusting means adjust the executing time of an action of a character in response to the rate of time in response to a chance (Column 2, lines 1-15). Thus, the acceptance frequency of

instructions to the character as well as the characters viewpoint moving speed is not that which is changed by the time chance, it is the control target of the execution time for action. Therefore, one of ordinary skill in the art would understand that the acceptance frequency and viewpoint speed would remain the same before and after the time change.

Claims 8, 16 and 24, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Itou (US Patent No. 6,439,998) in view of Hisayoshi (JP 2000-132705).

What Itou discloses has been discussed above and is incorporated herein.

Itou does not disclose that the viewpoint position in virtual space is changed based upon the occurrence of an event.

Itou does not disclose a change of viewpoint associated with the battle speed. However, it is notoriously well known in the art that programmer can change the viewpoint of the player based upon any number of predetermined factors. Hisayoshi discloses such a feature wherein a different viewpoint controls is performed in each combat scene therefore allowing different viewpoints for different combats (Abstract). Hisayoshi disclose that by performing these changes, the combat scene is kept from being monotonous (Abstract). It would therefore been obvious to one of ordinary skill in the art to apply the teachings of Hisayoshi to the combat scene of Itou. One of ordinary skill in the art would be motivated to make this incorporation as it is known in the art to allow the characters point of view to be changed based on any predetermined criteria. Thus, by incorporating such a feature into Itou, the game would be kept from becoming monotonous as disclosed by Hisayoshi.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Final Fantasy VII: Game wherein a player can cast a magic spell on another player that causes the other player to haste, slow, or stop based upon the predetermined event relating to the magic spell.

US Patent No. 6,354,940: Battle method that allows player to cast spells on other players that axiomatically has an affect on their speed.

US Patent RE 37,948: Battle speed can be altered and set by the player wherein the speed in which instances of battle occur will be altered.

US Patent No. 6,283,854: Characteristics of a player include a slow movement parameter wherein the character is bound to move slowly.

US Patent No. 6,159,100: Video processing includes a slow motion effect due to the occurrence of certain events in the game

US Patent No. 5,649,862: The speed at which time passes in the game can be altered to affect the overall battle speed.

US Patent No. 6,585,599: Time changes can be affected based upon the content of the character.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on (703)-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.

cmm
cmm
September 3, 2003

T. Walberg
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